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7 April 2022

Hon. Kenneth M. Karas
United States District Judge
US District Court for the Southern District of NY
300 Quarropas Street, Chamber 533
White Plains, NY 10601-4150

Re: Barkai v Nuendorf et al, No. 21-CV-04060-KMK
File No: 12129.00319

Withdrawal of Motion to Strike Dated 4 April 2022

Your Honor:

I am sorry for this redundant letter and for taking further of this Courts time, which it has so graciously afforded me in my quest for justice in the matters before this Court in the above titled action. I am writing this letter to **withdraw my Motion to Dismiss pursuant to Rule 12(F)** dated 4 April 2022. As stated in the Motion, Defendants failure to pay attention to detail and to answer the charges as stated and to essentially fabricate facts which this Court clearly knows never transpired put me on tilt and I was unsure the proper means of addressing these scandalous, need I say idiotic contentions by the County Defendants who have proven time and time again their gross incompetence which has caused substantive damages in my life.

On Sunday night I reached out to NYLAG, who as a Pro Se Plaintiff, are charged with offering me guidance in these proceedings. Unfortunately, the advisor with whom I spoke did not call me as requested and only offered me an incomplete one line answer via email to my request to speak to him to be advised in how to respond to the incompetence and fabrications of facts presented in County Defendants Memorandum of Law for a Motion to Dismiss. Without proper guidance I did my own research and it appeared to me that a Rule 12(F) Motion to Strike would be the proper course of action and with time constraints and me still waiting for this Court to rule on my request for an extension to April 29th, I filed the 4 April 2022 Motion.

However, today, I was finally able to actually speak to NYLAG as I requested to speak to a Supervisor who called me today and explained that a “pleading” which forms the basis of Rule 12(F) was not the same as a “Motion” and as such, in fact 12(F) is not the proper course of action so rather than taking further of this Courts time, which again Plaintiff thanks this Court for so graciously affording me, Plaintiff hereby moves to withdraw said motion so Your Honor does not need to take of Your Honors busy schedule to explain that which I was able to ascertain on my own. Again, I am sorry for this honest misunderstanding.

That being said, I would like make the following two requests related to all of this:

1. I would like to reiterate my request for an extension to **April 29th, 2022** for filing my reply to County Defendants Motion to Dismiss for all the reasons set forth in my original request and now this further bottleneck created by County Defendants failures to address the actual facts of this case.
2. I would like to request **an additional 10 pages above the 25 Page rule** set forth by this Court. The reason is that the NYLAG Supervisor informed me that I should address the absolute incompetence by inserting false facts into the record in my Motion in Opposition. However, since I am only allotted 25 pages to make my arguments, I will be forced now to allocate several pages of my space to make my arguments simply to clean up the mess County Defendants have made by inserting patently false facts into the record and the space needed to do so will draw from the 25 pages this Court allocated for me to make my actual arguments. Since I will need to use my time and space to once again clean up their mess I request that I not be penalized by being held to 25 pages which I should in fact be allowed to make my full legal argument and instead be allocated an additional 10 pages to both set the record straight and further make my clearly correct legal arguments based on the law and the facts of this case.

I once again apologize for this mix up emanating from County Defendants incompetence in processing factual events and instead essentially making things up, just as they have throughout the matters before this Court and that this Court allows me until 29 April 2022 and 35 pages for my Motion in Opposition to County Defendants Motion to Dismiss.

Respectfully,

/S/ *Ariel Barkai*


Ariel Barkai

Plaintiff's withdrawal of his Motion to Strike is granted. Plaintiff's remaining motions regarding extensions and page limitations have already been addressed and/or are denied as moot. The Clerk of Court is respectfully directed to terminate the Motion (Dkt. No. 140).

Date: 9/19/2022

Cc: All Parties Via Submission

SO ORDERED



KENNETH M. KARAS U.S.D.J.